

Topsfield Conservation Commission

Minutes of Wednesday, April 9, 2008

Topsfield Library Conference Room

The meeting was called to order at 7:20 p.m. with a quorum present: Walter Harmer, Chair; John McArdle; Thomas Warren; Ralph Stump; John Olcott

Not present: Wade Goldman

Also Present: Lana Spillman, Administrator; and Catherine Tinsley, Minutes Secretary

Public information provided:

Agenda

Abbreviations used:

TCC – Topsfield Conservation Commission

DEP – Department of Environmental Protection

AOoC – Amended Order of Conditions

CoC – Certificate of Compliance

BVW – Bordering Vegetated Wetland

OoC – Order of Conditions

EO – Enforcement Order

NoI – Notice of Intent

OPEN MEETING:

The TCC signed bills, plans, and authorizations.

MEETING:

RDA, 2008-03: 225 Washington Street (Map 46, Lot 4), Carol Brooks

Proof of Abutter notification already had been submitted; Olcott read the legal ad.

Brooks was present and stated she wants to replace a deck and add a set of stairs in Riverfront Area/floodplain. This property is next to Fish Brook.

Spillman made a site visit. The replacement deck is proposed within the same footprint and she does not see any problems. Harmer noted that the bank of the river is eroding and asked that the TCC be notified when the water is low and a site visit would determine if activities could be permitted to stabilize the bank.

It is unknown how deep the present deck footings are and if they need to be dug out further.

TCC asks that excess soil be removed from the property; all debris is to be taken off site

Stump made a motion to issue a Negative Determination under the Act and the Bylaw for 225 Washington Street with conditions. The motion was seconded and CARRIED UNANIMOUSLY.

HEARINGS:

NoI 307-0620: 160 Perkins Row, (Map 42, Lot 10), Michael Gilfeather

Proof of Abutter notification already had been submitted; Olcott read the legal ad.

Mrs. Gilfeather was present. She reviewed the project as a patio being installed behind the house, extending the brick patio toward the house, expansion under 650 additional sq. feet. The plans include the installation of a sitting stone wall and replacing the present stairs and a possible fire pit. The impervious surface is being increased with recycled granite.

She added that the three trees that are hanging dangerously over the house would be removed.

Spillman identified that this is an after-the-fact filing for cutting of a storm-damaged tree near the Intermittent Stream, allowed under an Emergency Certification, and the proposed construction of a patio, etc in the Buffer Zone. She went on to say that the Intermittent Stream flows from a Bordering Vegetated Wetland at the rear of the property. The BVW is just beyond 100 feet of the area of proposed work, and all or nearly the entire rear yard that is not wetland is Buffer Zone.

The Gilfeathers had submitted a written request for a reduction in the Bylaw filing fee (currently \$750.00).

It was noted that the Bylaw fee for a very similar project at 17 Morningside Drive was \$350 and it was the recommendation of the TCC to reduce the Bylaw fee to \$350.00.

Stump made a motion to grant the request to reduce the Bylaw filing fee to \$350.00. The motion was seconded and CARRIED UNANIMOUSLY.

Stump made a motion to close the hearing and issue an Order of Conditions under the Act and Bylaw with special conditions. The motion was seconded and CARRIED UNANIMOUSLY.

Continuation ANRAD 307-0602: 95 Wenham Road, (Map 71, Lot 1) Peter Herbert/Wetlands and Land Management, Inc.

Spillman identified that the TCC office received a request to continue the hearing for 95 Wenham Road.

Stump made a motion to continue the hearing under the Act and the Bylaw at the request of the Applicant's representative to May 14, 2008. The motion was seconded and CARRIED UNANIMOUSLY.

Continuation NoI 307-0611: 270 Boston Street, (Map 41, Lot 87), Richard C. Albright/DeRosa Environmental Consulting, Inc.

McArdle recused himself.

Mike DeRosa informed the TCC office by phone (4/9/08) that it is the intention of Mr. Albright to withdraw his NoI. Spillman stated that the TCC Office received an email from DeRosa as a written request to withdraw the NoI, along with a written request for a meeting to discuss his next steps with the TCC.

Spillman said that it is her understanding from DeRosa that DEP is not happy about the proposed work, especially that it is proposed under a NoI rather than being handled under enforcement. The TCC reviewed their options as writing a new EO, changing the fine based on the extended time, and letting DEP handle the case. Harmer noted there likely would be additional fines through DEP.

Spillman read the EO for the property owner to restore the property.

Discussion followed regarding the restoration of the property including turning the case over to DEP.

The TCC talked about the meeting requested. The TCC agreed to the meeting as requested.

Spillman will get information from DEP and the State regarding their involvement.

Spillman identified that there also is a written request for reduction of the Bylaw fee, but went on to say that the Bylaw fee never was paid, therefore no consideration of this request is necessary and the Town's portion of the state fee (\$67.50) cannot be reimbursed.

Stump made a motion to accept the withdrawal of the Notice of Intent for 270 Boston Street. The motion was seconded and CARRIED by a MAJORITY VOTE.

Warren made a motion that there will be no reduction of fines at this time. The motion was seconded and CARRIED UNANIMOUSLY.

Town of Topsfield Wetlands General Bylaw, Ch. 62, Regulations – revisions and additions
Olcott read the legal ad.

The TCC reviewed and discussed the proposed revisions and additions section by section.

Spillman requested that the TCC vote on a date that the revised Regulations would become effective.

She noted time is needed to finalize changes, including revisions to fee forms, and to get all to the Town Clerk's office. The next filing deadline is April 30th.

The increased fee schedule by the State was a part of this discussion.

There were no additional comments for question. Spillman will confirm the published revisions date with DEP.

Stump made a motion to accept the Regulations revisions and additions as drafted and amended, to become effective on May 1, 2008. The motion was seconded and CARRIED UNANIMOUSLY.

MEETING MINUTES:

Approve minutes of **February 13, 2008**

Olcott noted that he was recorded as Not Present for the February 13th meeting, but he was present.

Stump made a motion to accept the February 13, 2008 TCC meeting minutes as amended and corrected. The motion was seconded and CARRIED UNANIMOUSLY.

REQUESTS:

Mass Highway Request to Extend Project Limits on Route 1

Spillman reported that she spoke with Bob Boone of Mass Highway last week.

She referred to a letter in the Commissioner's packets from Mass Highway regarding their proposal to connect the Route 1 Bridge project and the Intersection with Route 97 project by repaving the area between the two.

No increase in the footprint is proposed.

The culvert repair/replacement at School Brook would be handled separately.

The TCC did not express concerns. No action was taken.

Continuation CoC 307-0493: 18 High Ridge Road, (Map 65, Lot 11), Eric Caputo

Spillman reviewed that conservation posts needed to be stabilized and orange placards were missing from two posts; a site visit confirmed that the necessary changes were made and Spillman recommended that the TCC issue the CoC for 18 High Ridge Road.

Stump made a motion to issue a Certificate of Compliance for Order of Conditions 307-0493 under the Act and the Bylaw. The motion was seconded and CARRIED UNANIMOUSLY.

OLD BUSINESS, UPDATES, & MISCELLANEOUS:

Prospect Hill/Gail Street Drainage – update

Selectman Dick Gandt discussed details of obtaining the proposed easement with the Commission.

OoCs 307-0529 and 307-0485, 102 River Road, (Map 47, Lot 49) – update

It was noted that the Demolition Permit has been issued.

Pre-activity meetings have taken place and the bricks, windows and other usable materials will be salvaged from the property. Demolition likely will start next Monday, weather pending.

Summer Intern - Update

Spillman reported that the job opening for a summer intern has been posted in several locations. Starting in July, the Intern's pay would be taken from the General Fund rather than from the Bylaw Fees Revolving Fund.

Essex County Greenbelt Association (holder of CR) – monitoring report for Sledding Hill

The report has been received by TCC.

ENFORCEMENT, APPEAL REPORTS, UPDATES:

Enforcement Order, 102 River Road, (Map 47, Lot 49) Christopher and Alison Esposito – ratification

This Enforcement Order is necessary for the house demolition and mitigation area construction since all Orders of Conditions for the property have expired. *Stump made a motion to ratify the Enforcement Order issued to the Espositos at 102 River Road. The motion was seconded and CARRIED UNANIMOUSLY.*

Enforcement Order, Violation Notice & Bylaw Ticket #2007-03: 43 Cross Street, (Map 62, Lot 2), Christopher Nash – update
Spillman is to contact Mr. Waring for an update.

Violation Notice & Ticket #2008-01, DoA 2006-18 and Violation Notice #2007-15, 41 Surrey Lane, (Map 23, Lot 3), Roy Cheever – Update; result of District Court Date April 7th
The Clerk Magistrate found Mr. Cheever responsible, ordered the pile/fill to be removed from in/next to wetland within a week, and reduced the fine from \$250 to \$50.

Enforcement Order, Violation Notice & Bylaw Ticket #2007-11: 270 Boston Street, (Map 41, Lot 87) Bear Albright – update and appeal
See under Hearings, above.

Enforcement Order: 50 Prospect Street, (Map 48, Lot 12), John Molloy/Hancock Associates –
No Update given.

Amended Enforcement Order, Violation Notice & Ticket #2006-20: 221 Washington Street, (Map 47, Lot 2), Andrzej Galka – No update given.

ADMINISTRATOR'S REPORT:

Conservation Commission Budget – The draft warrant
Spillman referred the TCC to the memo of April 7, 2008.

Greenscapes North Shore 2008 – update

Spillman informed the TCC that Greenscapes informational flyers will be sent out to households in early May.

Proposed Reduction of paper use

Spillman reviewed and proposed the following:

To prepare an extra OoC only when the representative has requested it

Require only one (currently require two) paper copy of the NoI, RDA, etc. (and continue to require two copies of the plans) for the office file.

Warren made a motion to approve the changes as submitted, effective immediately. The motion was seconded and CARRIED UNANIMOUSLY.

8:50 PM – Stump made a motion to adjourn and it was unanimous to do so.

Respectfully submitted

Catherine Tinsley, Minutes Secretary

Approved at TCC meeting on June 11, 2008